

CHAPTER 1

WYOMING BEAN COMMISSION REGULATIONS

Section 1. Authority. Pursuant to authority vested in the Wyoming Bean Commission by W.S. 11-50-103(b)(xi)-(xii) the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules pertain to the dry edible bean assessment, collection, refund, operational procedures, and fee setting schedule for the Wyoming Bean Commission. These rules also contain auditing requirements and other obligations put forth by the Wyoming Bean Commission and the Wyoming Department of Agriculture as the administrator for the Commission.

Section 3. Assessment.

(a) Wyoming dry edible beans are assessed in the amount of 0.51% of the settlement amount, with two-thirds of the assessment paid by the grower, and one-third by the handler.

(b) There shall be no delineation as to crop year for the assessment of Wyoming dry edible beans.

Section 4. Collection.

(a) The collection of the dry edible bean assessment shall be recorded on forms adopted and provided by the Bean Commission. Collection forms may be obtained from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, Phone: 307-777-7321, or online at <http://agriculture.wy.gov/divisions/ts/wyoming-bean-commission>.

(b) The handler shall present a receipt to the grower at the time of sale. A settlement sheet that has a line item delineating only the grower's Wyoming dry edible bean assessment shall be deemed a receipt.

(c) Handlers shall remit all collected assessments by the 15th of the month next succeeding the quarter in which settlement was made for the dry edible beans. Any and all monies collected shall be remitted to the Bean Commission. No assessment may be retained by the handler for longer than one hundred ten (110) days. Remittance forms shall be sent to the Bean Commission, courtesy of the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, even if no remittance is due.

Section 5. Refunds.

(a) Any grower or handler who has paid a dry edible bean assessment is entitled to a prompt refund of the contribution from the commission upon request. All

claims for a Bean Commission refund shall be made on forms furnished by the Wyoming Bean Commission, which may be obtained from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002. This includes all handlers and growers.

(b) No refund application shall be accepted before thirty (30) days, nor after ninety (90) days from the date of the sale upon which the assessment was based. Ninety (90) days shall be deemed to have elapsed at 12:00 midnight on the ninetieth (90th) day. A valid postmark shall be used to determine the date of submission of the refund application. Handlers shall not receive a refund unless the corresponding grower also claims a refund. The Department shall process applications after assessments have been deposited in the state treasury.

(c) Refund applications shall be processed by the Wyoming Department of Agriculture as part of their administrative duty. After processing the application the Department shall make a recommendation to refund or deny. In order to determine the validity of the claim for refund, the Department may request any additional information needed. An applicant shall be allowed the opportunity to correct any errors or omissions found in their refund application.

(d) If a refund is recommended for approval, the Chairman of the Commission shall issue the refund. If a refund claim is recommended for denial, the Commission as a body shall review the refund application and issue the final grant or denial of the refund claim.

Section 6. Election of Bean Commission Members

(a) Nominations for Bean Commission members shall be solicited in January of odd-numbered years from bean growers and handlers who have paid the dry bean assessment the previous two years, with nominations due by February 1 of the same year. Eligible nominees shall be those bean growers and handlers who have paid the dry bean assessment the previous two years.

(b) Nominees shall be offered as candidates on ballots sent to bean growers and handlers who have contributed to the dry bean assessment the previous two years. Those ballots shall be sent by the commission, courtesy of the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, no later than March 1 of odd-numbered years, and shall be due no later than April 1 of the same year.

(c) Candidates with the most votes shall be elected to the Bean Commission. In the event of a tie, the position will be decided by a random drawing.

(d) Elected Bean Commission members shall assume office July 1 of odd-numbered years.

(e) All terms of elected commission members shall be four (4) years with the term ending on June 30 of the respective year.

Section 7. Election of Bean Commission Officers. Bean Commission officers shall be elected annually at the first Bean Commission meeting after July 1 from current Bean Commission members.

Section 8. Audits. The Bean Commission may conduct an audit of any person who buys, sells, ships, or distributes dry beans grown in Wyoming which he has purchased or acquired from a grower or which he is shipping on behalf of a grower. The audit shall be to determine that the facility is properly collecting and remitting the dry bean assessment as required.

Section 9. Public Record Requests. Copying costs for public record requests shall be no more than twenty cents a page.

Section 10. Enforcement. If any person is delinquent on payment, collection, or remittance of the assessment, the Commission shall notify such person and request immediate payment.